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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,104	09/30/2003	Yehia El-Ibiary	03-RE-021 REEL:0045	4792
7590 09/23/2005			EXAMINER	
Alexander M. Gerasimow Allen-Bradley Company, LLC 1201 South Second Street Milwaukee, WI 53204-2496			NGHIEM, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/675,104

Applicant(s)

EL-IBIARY, YEHA

Examiner

Michael P. Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-41, 44-47 and 56-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16, 17, 19-22, 28-31, 44-46, 56 and 61-64 is/are rejected.
- 7) ☒ Claim(s) 18, 23-27, 32-41, 47, 57-60 and 65 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7-2-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The Amendment filed on July 18, 2005 has been acknowledged.

#### ***Election/Restrictions***

Applicant's election without traverse of Species II, claims 16-41, 44-47, and 56-65 in the reply filed on July 18, 2005 is acknowledged.

#### ***Claim Objections***

Claims 16, 28, and 57 are objected to because of the following informalities:

- claims 16 and 28, "the cable resistance data" (e.g. claim 16, lines 5-6) lacks antecedent basis.
- claim 57 does not end with a period.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 17, 19-22, 28-31, 44-46, 56, and 61-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Kliman et al. (US 6,042,265).

Regarding claims 16, 28, 44, 56, and 62, Kliman et al. discloses a system (Fig. 4), comprising:

- a motor resistance processing module adapted to establish resistance data based on input data of the electric motor (means for determining motor resistance, Abstract, lines 6-7);

- a motor estimation module (means for determining rotor temperature, Abstract, line 7) adapted to establish estimated values of a plurality of electrical parameters of an electric motor based on electrical input data and the cable resistance data (resistance of rotor leads, Abstract, lines 4-7).

Regarding claims 17, 46, and 64, Kliman et al. discloses a temperature compensation module (means for determining rotor temperature, Abstract, lines 6-7) adapted to establish current resistance data based on current temperature data and baseline temperature and resistance data (means for determining rotor temperature, Abstract, lines 4-6).

Regarding claims 19, 29, 45, 61, and 63, Kliman et al. discloses that the motor estimation module is operable to establish an estimated value of an operational performance parameter of the electric motor based on the estimated values of electrical parameters of the electric motor (estimate motor speed/slip, column 2, lines 59-62).

Regarding claims 20 and 30, Kliman et al. discloses a visual display (display of computer, Abstract, line 3) operable to provide a visual indication of at least one of the estimated values (display of computer).

Regarding claims 21 and 31, Kliman et al. discloses a keyboard operable to facilitate manual entry of motor data (keyboard of computer, Abstract, line 3).

Regarding claims 22 and 28, Kliman et al. discloses at least one database of motor data (database of computer or motor control center, Abstract, lines 3-4).

***Allowable Subject Matter***

Claims 18, 23-27, 32-41, 47, 57-60, and 65 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Reasons For Allowance***

The **combination** as claimed wherein the motor resistance processing module comprises a cable resistance calculation module adapted to establish cable resistance data based on a cable gauge, a number of cables per phase, a cable length, and a cable temperature (claims 18, 47) or a customer motor database having operational data of customer motors, motor applications, and performance data of the customer motors (claim 23) or the at least one database comprises a replacement motor database having operational data of alternative motors (claims 24, 33) or a motor loss database having power losses correlated with various parameters of the electric motor (claims 25, 34) or a data storage and access module adapted to identify a motor test record according to at least one test identifier and to provide data from the motor test record to the motor estimation module (claim 26) or the data storage and access module comprises a data logging module adapted to record the electrical input data into the data records for a desired test of the electric motor (claim 36) or the data storage and access module comprises a data identification module adapted to identify a log of a desired test of the electric motor based on at least one test identifier (claim 37) the data storage and access module comprises a data population module adapted to populate fields of the motor estimation module with logged data for a desired test of the electric motor (claim 38) is not disclosed, suggested, or made obvious by the prior art of record.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571) 272-2277. The examiner can normally be reached on M-H.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

September 22, 2005